

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**JULY 11, 2022**

Meeting advertised according to the New Jersey Sunshine Law.

Roll call: attending: Mr. Gleiberman, Mr. Inger, Mr. Lankry, Mr. Naftali, Mr. Ribiat,  
Mr. Gartenhaus, Mr. Gelley, Mr. Halberstam

Absent: Mr. Gross

Also attending: Terry Vogt, Board Engineer/Planner  
Jerry Dasti, Board Attorney  
Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of June 13, 2022 - Mr. Lankry

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Naftali, Mr. Ribiat, Mr. Gartenhaus,  
Mr. Gelley, Mr. Halberstam

Request to carry -

**Appeal # 4217 – Cellco request to carry to 7/18/22**

**Appeal # 4246 – Chanie Herschlag -carried to 7/18/22**

**Appeal # 3874B – Rishon – carried to 7/18/22**

**Appeal # 4251 – Abraham Gelb – carried to 7/18/22**

Motion to carry the above to 7/18/22 – Mr. Lankry

Second – Mr. Gelley

All in favor.

Waiver of time and no further notice.

**Appeal # 4227 – Shimon Grinberger – carried to 9/12/22**

**Appeal # 3922 – 1500 Prospect – carried to 9/12/22**

Motion to carry the above to 9/12/22 – Mr. Lankry

Second – Mr. Gelley

All in favor.

Waiver of time and no further notice.

**Correspondence**

**Appeal # 3853 – Locust Landings**, Block 1082 Lots 3 & 13. Request a retaining wall within the 10-foot shade tree and 15 foot landscape easement.

Brian Flannery, engineer/planner sworn. Looking to construct a 3-foot wall with a 4-foot fence on top.

Terry Vogt – wall is on private property – who will be responsible?

Mr. Flannery – the wall is on private property and the HOA will be responsible. It is in the same area as the trees. It could be a 2-foot wall and a 4-foot fence on top. It will be a maximum of 6 feet. There will be landscaping. The wall goes from 0 to 3 feet. There is a slope. This will give them a useable rear yard. It will be in the same area as the trees.

Solomon Braun, owner of one of the properties, affirmed. Backs up to Locust Street, it will be safer for the children to play. Will not go up to the County easement or the site triangle.

Motion to approve a 2-foot wall and 4-foot vinyl or 6 vinyl link fence – maximum of 6 feet – Mr. Lankry

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Gelley,  
Mr. Halberstam

**Appeal # 4126 – Golders Green**, Block 1159.06 Lots 1-23, letter from Graham Macfarlane requesting to add a modular block retaining wall behind lots 7, 8, 9 & 10.

Mr. Dasti announced that **Appeal # 4220, Mordechai Eichorn** is the same block and lot so we can hear both applications but will take separate votes.

Graham Macfarlane, engineer/planer, sworn. First matter is regards to locate a retaining wall..

A-1 plan

A-1 development plan – highlighting retaining walls

Mr. Macfarlane - lots 7, 8, 9 & 10 have walkout basements. New plan shows side entry basements. The retaining wall is behind these 4 units are in the back part of the property. The wall is 3 feet and there will be a 3-foot fence.

A-2 aerial showing the project.

Mr. Halberstam asked about backyard, there will be no backyard – removing the back entrance and only side entrance.

Mr. Macfarlane testified that there will be no changes. The original approval is a flood hazard line. They will be adding steps and so the homeowner will still have access to the backyard.

Mr. Ribiat – Asking to remove the entrance from the back to the side.

Mordy Eichorn, affirmed. There will be one access to the basement. The idea is to have a flatter backyard. There will be 7 or 8 steps from the deck. HOA will maintain the wall.

Mr. Macfarlane – the deck will be 8 feet from the retaining wall.

A-4 – grading plan

Mr. Vogt – the decks go over the wall – stairs will be from the deck to the ground

Mr. Ingber - When you put the retaining wall there will be no backyard.

Mr. Eichorn – there will be one access to the basement. The idea is to have a flatter backyard. There will be 7 or 8 steps from the deck.

Mr. Macfarlane – there will be no steps from the side entrance.

Mr. Dasti – he can review the grading at the time of resolution compliance with Terry Vogt. HOA will maintain wall.

**Appeal # 4220 – Mordechai Eichorn**, Golders Green Road, Block 1159.06 Lots 1-23.  
Amended preliminary and final major subdivision requested for the construction of duplex housing units with basement apartments.

Mr. Eichorn – not asking for any additional units – no changes to the shul. Asking only for one of the houses did not have a study and needs a front setback variance. 3 of the houses did not have decks. They extended the width.

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A-1 development plan

Lots 3 & 4 – lot area reduced to accommodate decks

A-4 approved grading plan

Mr. Eichorn – 3 of the houses do not have decks. The houses will be 3,200 square feet – they were 2,900 square feet. Lot 17 will not finish basement – will be deed restricted. No shul on this project – they will be using the Stamford Hill shul. Consistent with Terry Vogts 10/21/21 review letter. 5-foot setback from deck to property line.

Mr. Macfarlane - the variances have not changed. They have 35% lot coverage.

Mr. Halberstam – concerned with the 5-foot setback from the deck to the property line and a 9,700 square foot lot.....

Mr. Naftali - looking at the project which has been here for over 9 years – things have changed. Looks better than was there before.

Mr. Eichorn – they can put the stairs in the front.

Open to Public.

Chairman announced that Moshe Lankry had to leave.

Aaron Hirsh, 122 Mountain view, affirmed. This project is an LLC and needs an attorney. Objected to this application. They removed synagogue, etc. There is no place for the kids to play. So many things wrong.

Closed to Public.

Mr. Ingber left the meeting.

Mr. Dasti said that Mr. Eichorn is the contract purchaser and owner on the application. He can apply as the contract purchaser.

Mr. Eichorn testified that he is the contract purchaser of this property.

**Appeal # 4126 – Golders Green**

Motion to approve retaining wall – will make the property more useable - Mr. Naftali

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gleiberman, Mr. Naftali, Mr. Gartenhaus, Mr. Gelley,  
Mr. Halberstam

Abstain: Mr. Ribiat

**Appeal # 4220 – Mordechai Eichorn**

Motion to approve amended subdivision with variances – nothing is being changed and these are minor changes - Mr. Naftali

Second – Mr. Gleiberman

Roll call vote: affirmative: Mr. Gleiberman, Mr. Naftali, Mr. Gartenhaus, Mr. Gelley,  
Mr. Halberstam

Nayes: Mr. Ribiat

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**Appeal # 4248 – Yitzchok Goldman**, 50 Iroquois Place, Block 2.08 Lot 11, R-12 zone. Variance requested for addition into front yard setback of Seminole Drive – required 30 feet – proposed 25 feet.

Brian Flannery, Engineer/Planner, sworn

A-1 page 2 of the tax map showing the subject property

A-2 variance map

A-3 architectural drawings

Mr. Flannery – asking for an addition – this is a corner lot. Asking for 25 feet on Seminole Drive where 30 feet is required.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gleiberman, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Gartenhaus,  
Mr. Gelley, Mr. Halberstam

Recess

**Appeal # 4245 – Moshe Sicherman**, Oak Street, Block 782.02 Lots 88 & 89, R-12 zone. Subdivision to create 4 new lots for duplexes (use variance)

Adam Pfeffer, attorney for applicant. Asking for subdivision approval to create 2 duplexes.

Ron Gasiorowski, attorney for objector Moshe Strauss

Brian Flannery, engineer/planner, sworn. Property is situated in the R-12 zone.

A-1 page 109 of the tax map showing the subject property.

A-2 aerial showing subject property

A-3 copy of plan submitted showing existing conditions

A-4 copy of zoning map

Mr. Flannery reviewed Terry Vogts report. Asking for use variance. Property is on Oak Street in the R-12 zone, which is a heavily trafficked road – duplexes make sense. The opposite side of the street has duplexes. Reviewed duplexes in the area that this board approved.

Mr. Gasiorowski cross examined Mr. Flannery.

Open to Public.

Mordechai Amsel, 707 Cypress Ave., affirmed Objected to duplexes.

Moshe Straus, 731 Cypress Ave., affirmed. Objected to duplexes.

Yisroel Klein, 100 Oak Street – object to duplexes

Shlomo Sabo, 96 Mulford Street, Objected to duplexes.

Closed to Public.

Motion to deny – Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gleiberman, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Gartenhaus,  
Mr. Gelley, Mr. Halberstam

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**Appeal # 4243 -Shimon Prag**, 1303 Twin Oaks Drive, Block 174.11 Lot 43.02, R-15 zone. To construct an addition requesting variances for front yard setback, side yard setback, lot coverage and parking.

Brian Flannery, engineer/planner, sworn.

A-1 Page 40 of the tax map

A-2 adjoining property

A-3 variance plan

A-4 aerial

Mr. Flannery - Asking for addition on home. Reviewed Terry Vogts report.

Open to Public.

Jacob Herska, 1302 Twin Oaks Drive, neighbor. In favor of the addition.

Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gleiberman, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Gartenhaus,  
Mr. Gelley, Mr. Halberstam

**Appeal # 4252 – 60 Drake Road, LLC**, Drake Road, Block 251.02 Lot 95, R-40 zone. Applicant proposes to construct 6 single family homes

**Appeal # 4247 - PD Family Credit Shelter Trust**, West Cross Street, Block 251.05 Lots 91 & 101, R-40 zone. Major subdivision to create 10 single family lots. A d(5) use density variance is requested and the lots have been designed per R-12 standards.

**Appeal # 4221 – GM Lanes Mill, LLC**, Lanes Mill Road, Block 188 Lots 3, 4, 19, 20, 21.01, 21.02 and 21.03, R-20 zone. Use variance to allow duplexes per R-7.5 standards.

**Appeal # 4244 – Aisle Nine LLC**, Madison Avenue & 10<sup>th</sup> Street, Block 98 Lots 1 & 5, R-OP zone. To construct an addition requesting variances.

Motion to carry all of the above to July 18, 2022.

All in favor

**Appeal # 4087A – Divonne Equity Group, LLC**, Franklin & Cross Street, Block 500 Lot 1, R-40 zone. Use variance for office building with a height of 38.5 feet.

Miriam Weinstein represented applicant. This will be offices only – no retail.

Brian Flannery, engineer/planner, sworn.

A-1 concept plan

A-2 page 102 of the tax map

A-3 architectural plans with a rendering of the building.

Mr. Flannery – this will be an exceptional rateable. Reviewed Terry Vogts report. Asking for a height of 38.5 feet where 35 is maximum. They will come back with site plan. Asking for use and height only. Well suited for the area. Will have to come back with site plan.

Mr. Halberstam – better than a retail store

Mr. Naftali – okay with the office, a little aggressive -

Open to Public.

Rabbi Bender, 210 Regent – has the Yeshiva - He is okay with offices – no retail

Closed to Public.

Motion to approve use of office building and height – Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gleiberman, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Gartenhaus,  
Mr. Gelley, Mr. Halberstam

**Appeal # 4235 – Chestnut Holdings NJ LLC**, Block 1077 Lots 1, 43, 51 & 52, HD-7 & R-12 zone. To construct 14 duplexes and keeping 2 existing single family homes.

Notice was submitted.

Secretary announced that Live stream was down and they were notified.

Sam Brown attorney for applicant. Use variance. Most of these lots are larger than the amount required. They are very deep lots. They would like to keep the single family house which is not permitted.

Brian Flannery, engineer/planner, sworn.

A-1 Major Subdivision plan

A-2 copy of existing conditions plan

A-3 sheet 141 of the tax map

A-4 indicates the development to the south

A-5 architecturals

Mr. Flannery – reviewed Terry Vogts report – they will comply with RSIS requirements. The houses will be higher than the road. Duplexes are permitted in the HD-7 zone on 8,500 sf lots.

Mr. Brown – other than the single family home this plan is conforming.

Mr. Flannery - There is no building in the R-12 zone – it is the back of these lots.

Mr. Brown – Being in the R-12 zone also it would require a use variance. He will renotice and come back in September.

Open to Public.

Joel Berkowitz, 27 Blue River – the backyards are in the R-12 zone where duplexes are not permitted.

Mr. Lankry – motion to carry until September 12, 2022 with re-notice.

Second - Mr. Naftali

Roll call vote: affirmative: Mr. Gleiberman, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Gartenhaus,  
Mr. Gelley, Mr. Halberstam

**Appeal # 4240 – Jeremy Roberts**, Finchley Blvd, Block 430 Lot 30, HD-6 zone. Minor subdivision to construct a duplex. Density variance requested.

Brian Flannery, engineer/planner, sworn. Application for minor subdivision to allow a duplex on 10,400 square feet where 8,500 square feet is required in the HD-6 zone. The road is not included.

Mr. Vogt - This density is a condition of a conditional use.

Mr. Flannery – There will be one basement per unit. Entrance to the basement will be on the side.

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A-1 minor subdivision – final plan

Mr. Flannery reviewed Terry Vogt's report. This is not within 200 feet of River Avenue – will comply with all setbacks, etc. 8500 square feet is allowed.

Open to Public.

Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gleiberman, Mr. Lankry, Mr. Naftali, Mr. Ribiat,  
Mr. Gartenhaus, Mr. Gelley, Mr. Halberstam

**Appeal # 4249 – Stanley Grama, Williams Street & Omni Court, Block 41 Lots 3.26 & 12.03,  
R-10A & R-12 zone.**

Miriam Weinstein represented applicant. Here to subdivide 2 existing lots into 2 lots. The lot is located in 2 zones. R-10A zone allows duplexes on 10,000 square foot lots.

Brian Flannery, engineer/planner, sworn.

A-1 tax map

A-2 final plat

Mr. Flannery – Rabbi Grama lives on the corner of Omni and Williams. Duplex on 9,600 square feet. Rabbi Grama will live next door. One lot is 12,160 square feet. Use variance for duplex in the R-12 zone. Steps will be in front. Use variance needed for duplex in the R-12 and undersized lot in the R-10A zone. Asking for 6.5 foot side setbacks.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gleiberman, Mr. Lankry, Mr. Naftali, Mr. Ribiat,  
Mr. Gartenhaus, Mr. Gelley, Mr. Halberstam

Resolutions

**Appeal # 4212 – Mordechai Finkelstein, 465 Chestnut Street, Block 1159.04 Lot 21, R-20 zone.** Resolution to deny preliminary and final subdivision to create lots (6 duplexes and one single family) based on R-7.5 requirements.

**Appeal # 4236 – Baruch Jeremias, 210 Miller Road, Block 11.10 Lot 2, R-12 zone.** Resolution to approve a condition to exclude sidewalk along a portion of Miller Road

**Appeal # 4229 – SGS Development, Block 1159 Lots 40 & 87, R-20 zone.** Resolution to deny a use variance for duplexes.

**Appeal # 4237 – Locust Landing Homeowners Association, Prague Place, Block 1082.04 Lot 8, R-20 zone.** Resolution to approve a stairwell in front yard setback to the existing community building.

Motion to approve resolutions.

All in favor.

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Motion to pay bills.

All in favor.

Motion to adjourn

All in favor.

Meeting adjourned at 11:00 p.m.

Respectfully submitted,

Fran Siegel, Secretary